

REMARKS/ARGUMENTS

Claims 30-37, 39, 41, 42, 44 and 46-48 are pending. By this Amendment, claims 25-29, 38, 40, 43 and 45 are canceled, and claims 30, 32, 33, 34, 36, 39, 41, 44 and 46 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicant respectfully requests that the Examiner consider, initial and return pages 2 of 3 and 3 of 3 of the Information Disclosure Statement filed October 16, 2001. The Examiner considered all but the "Other Documents" listed on each of the pages of the Form PTO-1449. Copies of the incompletely initialed documents are provided for the Examiner's convenience.

Further, independent claim 48 was presented in the Preliminary Amendment filed May 14, 2001, but has not been addressed in the Office Action.

Claims 26, 32, 33, 40 and 45 were objected to based on minor informalities. By this Amendment, claims 26, 40 and 45 have been canceled. In addition, claims 32 and 33 have been amended for clarity only to address the Examiner's concerns. Reconsideration and withdrawal of the rejection are respectfully requested.

In paragraphs 3-13 of the Office Action, claims 25, 26, 28, 30, 31, 34-42 were rejected based on obviousness-type double patenting over co-owned U.S. Patent No. 6,476,349. Attached hereto is a duly executed Terminal Disclaimer. The filing of a Terminal Disclaimer is not an admission of the propriety of the rejection. See MPEP §804.02. Reconsideration and withdrawal of the rejection are respectfully requested.

In paragraphs 15-21 of the Office Action, various rejections are set forth under 35 U.S.C. §§102/103 over the prior art to Komatsu (JP 7-53099), Keyser (US 3,704,614), Mason or Suzuki.

However, Applicant respectfully submits that these rejections are moot in view of the amendments herein. In particular, the Office Action indicates that the subject matter of claims 32, 39 and 44 would be allowable if placed into independent form. By this Amendment, the subject matter of claims 32, 39 and 44 has been placed into independent form, per the notice of allowability in the Office Action. Applicant respectfully reserves the right to pursue the subject matter of original claims 25-47 in one or more continuing applications. Moreover, the amendment of the claims in the above fashion to adopt the subject matter indicated to be allowable is in no way an admission that the rejections set forth in the Office Action are appropriate. The present course of action is strictly for the purposes of expediting prosecution and in no way should be considered an admission that the prior art rejections are appropriate.


In view of the above amendments and remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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PTB:jck
Attachments:
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